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REMARKS

Claims 1-19 were pending and rejected. No claims were cancelled or amended. Reconsideration of the rejections of all claims is requested.

I.   Rejection of Claims 1-3, 8-12, and 17-19 Under 35 U.S.C. §102(b)

Claims 1-5, 8-14, and 17-19 were rejected under 35 U.S.C. §102(b) as being unpatentable by Godlew (U.S. 5,377,196).

CLAIM 1

Claim 1 is independent and is restated as follows for convenience:

A method for monitoring the status of an electronic network, said method comprising:

executing a first program on at least one portion of said electronic network;

receiving first data resulting from the execution of said first program;

analyzing said first data to determine if said at least one portion of said network is not operating within a preselected specification;

executing a second program on said at least one portion of said electronic network if the analysis of said first data indicates that said at least one portion of said electronic network is not operating within said preselected specification;

receiving second data resulting from the execution of said second program; and

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> **analyzing said first data and second data to determine the cause of said at least one portion of said network not operating within said preselected specification.**

Some portions of claim 1 that are not disclosed by Godlew have been printed above in bold type.

According to the office action, Godlew discloses all the elements of claim 1. The cited portions of Godlew, however, disclose hypothesizing network problems and then confirming or denying the network problems. Claim 1, on the other hand, analyzes first data and second data to determine the cause of a network problem, not to confirm or deny a hypothesis. Thus, network problems are determined by analyzing first and second data.

In addition, the cited portions of Godlew disclose collecting data from the network wherein a program may electronically collect the data. The cited portions of Godlew do not disclose executing programs on the network as claimed in claim 1, rather data is simply collected. The programs that are executed by Godlew relate to hypothesizing network problems.

Based on the foregoing, the applicants request reconsideration of the rejections.

CLAIMS 2, 3, 8, and 9

Claims 2, 3, 8, and 9 are allowable by way of their dependence on claim 1 and for other reasons. Therefore, the applicants request reconsideration of the rejections.

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CLAIM 10

Claim 10 is independent and is printed as follows for convenience:

A device for evaluating the operational status of an electronic network, said device comprising a computer operatively connected to said network, said computer comprising a computer-readable medium having instructions for operating said computer and evaluating said network by:

executing a first program on at least one portion of said electronic network;

receiving first data resulting from the execution of said first program;

executing a second program on said at least one portion of said electronic network if the analysis of said first data indicates that said at least one portion of said electronic network is not operating within said preselected specification;

receiving second data resulting from the execution of said second program; and

analyzing said first data and second data to determine the cause of said at least one portion of said network not operating within said preselected specification.

Some portions of claim 10 that are not disclosed by Godlew have been printed above in bold type. The rejection of claim 10 is identical to the rejection of claim 1. Accordingly, the rebuttal to the rejection of claim 1 is incorporated into this rebuttal. Likewise, the applicants request reconsideration of the rejection.

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CLAIMS 11, 12, 17, and 18

Claims 11, 12, 17, and 18 are dependent on claim 10 and are deemed allowable by way of their dependence and for other reasons. Therefore, the applicants request reconsideration of the rejections.

CLAIM 19

Claim 19 is independent and is printed as follows for convenience:

A device for monitoring the status of an electronic network, said device comprising:

first diagnostic means for executing a first diagnostic program on at least one portion of said electronic network, said first diagnostic program generating first data representative of the status of said at least one portion of said electronic network;

first analysis means for analyzing said first data;

second diagnostic means for executing a second diagnostic program on at least one portion of said electronic network if said first analysis means determines that said at least one portion of said electronic network is not operating within a preselected specification, said second diagnostic program generating second data representative of the status of said at least one portion of said network; and

second analysis means for analyzing said first data and said second data, said second analysis means generating an indication representative of the cause of said at least one portion of said electronic network not operating within said preselected specification.

Claim 19 includes a "first diagnostic means for executing a first diagnostic program on at least one portion of said electronic network." The first diagnostic

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program generates "first data representative of the status of said at least one portion of said electronic network."

Claim 19 also includes a "second diagnostic means for executing a second diagnostic program on at least one portion of said electronic network if said first analysis means determines that said at least one portion of said electronic network is not operating within a preselected specification." The second diagnostic program generates "second data representative of the status of said at least one portion of said network."

The second analysis means analyzes the first and second data and generates "an indication representative of the cause of said at least one portion of said electronic network not operating within said preselected specification." Godlew does not disclose the first and second diagnostic programs as claimed in claim 1. Rather, Godlew discloses collecting data indicative of the network. Moreover, Godlew does not disclose the second analysis means that generates the recited indication.

Based on the forgoing, the rejection of claim 19 has been overcome. The applicants request reconsideration of the rejection.

I. Rejection of Claims 4, 6, 7, 13, 15, and 16 Under 35 U.S.C. §103(a)

Claims 4, 6, 7, 13, 15, and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over godlew in view of Sin (U.S. Pub 2002/0051464).

Claims 4, 6, 7, 13, 15, and 16 are dependent on allowable base claims and are deemed allowable by way of their dependence and for other reasons. Therefore, the applicants request reconsideration of the rejections.

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    In view of the foregoing, the claims are in condition for allowance and a notice of allowance is requested.

Dated: September 19, 2005   Respectfully submitted,

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